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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KRYSTA TREMKO,

Plaintiff,

v.

CAPITAL BANK; CHEX SYSTEMS, INC.;
CLARITY SERVICES, INC.; DISCOVER
BANK; DISH NETWORK L.L.C.; EQUIFAX
INFORMATION SERVICES, LLC;
EXPERIAN INFORMATION SOLUTIONS,
INC.; FACTOR TRUST, INC.; KOHL'S /
CAPONE; MASON COMPANIES INC.;
SYNCHRONY BANK; and TRANS UNION,
LLC,

Defendants.

Case No: 2:24-cv-00307-APG-MDC

**SURREPLY TO PLAINTIFF'S
OPPOSITION TO DISH'S MOTION TO
SEVER**

1 Plaintiff's Opposition¹ to DISH's Motion to Sever is predicated on the argument that
2 because Plaintiff also alleged claims against Co-Defendant Equifax, "the allegations against
3 Equifax and Dish are inextricably linked as a matter of law." (Opp. at pg. 2.) But Plaintiff has now
4 settled with Equifax, and Equifax will be imminently dismissed from this case. (See ECF No. 59.)

5 As a result, the entire basis for Plaintiff's Opposition to DISH's Motion to Sever is now
6 moot. Plaintiff's Opposition does not dispute that her claims against the remaining Co-Defendants,
7 Factor Trust, Kohl's, Synchrony, or TransUnion do not share any common issues of law or fact
8 with her claim against DISH.

9 The most Plaintiff states is that DISH's alleged inquiry appears on the same credit report
10 as the alleged inaccuracy of Synchrony. (Opp. at pg. 4.) But whether DISH allegedly obtained
11 Plaintiff's credit report without a permissible purpose on January 24, 2023, has nothing to do with
12 whether Synchrony was reporting inaccurate information regarding her account with Synchrony
13 and failed to conduct a reasonable investigation into her dispute. Indeed, Plaintiff previously
14 attempted to distinguish *Tataryan v. Chase Bank (USA) N.A.*, No. CV 12-08788 DDP (FMOx),
15 2013 WL 424778 (C.D. Cal. Feb. 1, 2013) on the basis that the case did not involve any consumer
16 reporting agency. (Opp. at pg. 4.) Yet, given Plaintiff's settlement with Equifax, *Tataryan* is now
17 indistinguishable and directly on point.

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28 ¹ Defined terms have the same meaning as set forth in DISH's Motion to Sever, (ECF No. 32), and Reply to Plaintiff's
Opposition (ECF No. 50).

1 In short, Plaintiff's settlement with Equifax moots the grounds upon which she opposed
2 severance. Plaintiff's claims against the remaining Co-Defendants have nothing to do with DISH,
3 and DISH's Motion should be granted.

4 Dated: June 6, 2024

Respectfully Submitted By:

6 **BENESCH, FRIEDLANDER, COPLAN &
7 ARONOFF LLP**

8 /s/ Chad C. Butterfield

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19 *Attorneys for Defendant DISH Network, L.L.C.*
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CERTIFICATE OF SERVICE

Pursuant to FRCP 5, I certify that I am an employee of WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP and that on this 6th day of June 2024, a true and correct copy of the foregoing **SURREPLY TO PLAINTIFF'S OPPOSITION TO DISH'S MOTION TO SEVER** as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- ☒ via electronic means by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk;
- ☐ via hand-delivery to the addressees listed below;
- ☐ via facsimile;
- ☐ by transmitting via email the document listed above to the email address set forth below on this date before 5:00 p.m.

BY /s/ Jillian M. Forrest
An Employee of
WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKE